

*Cint*

c.) comparing said measurement to that of explants or control plants, under similar conditions as for said explant of said plant, wherein the greater the amount of electron flow, the fitter said plant.

*C 2*

36. (Once Amended) The method of Claim 24, wherein said plant is a transgenic plant.

Please add the following new claim:

*C3*

-37(New) The method of Claim 24, wherein said plant is a *Brassica* plant.-

#### REMARKS

Entry of the foregoing and favorable reconsideration and reexamination of the subject application, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow is respectfully requested.

By the present amendment, claims 24 and 36 have been amended to further clarify the present invention. Claim 37 has been added. Support for claim 37 appears at least on pages 19 and 20 of the specification. Applicants submit that no new matter has been added via this amendment.

Turning now to the Official Action, Claims 24 to 36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dodds et al in view of Strack et al, Muller et al, Bergland et al, Harding et al, Moldau, Uotila et al, Chen et al or Masojidek et al. As far as this rejection may pertain to the current claims of record, it is respectfully traversed.

In rendering this rejection, the Examiner purports that it would have been obvious to one of ordinary skill in the art at the time the invention was made, to "use the method of Dodds et al, modifying same by obvious parameter optimizations known in the art, to assess the agronomical fitness of